

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KEVIN PINE, individually and on behalf of all others similarly situated,

Plaintiff,

V.

## A PLACE FOR MOM, INC.,

## Defendant.

C17-1826 TSZ

## MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) The deferred portion of plaintiff's unopposed motion for preliminary approval of class action settlement, docket no. 139, and the parties' joint motion for approval of class notice program, docket no. 146, both as amended by the Supplemental Declaration of Carla A. Peak, Vice President of Legal Notification Services at KCC Class Action Services, and the exhibits thereto, docket no. 150, are GRANTED as follows:

(a) Kurtzman Carson Consultants LLC (“KCC”) was previously appointed as Settlement Administrator for this matter. See Order at 7, ¶ 4 (docket no. 142). KCC’s division known as “KCC Class Action Services” will serve as Settlement Administrator.

(b) The firm of Mason Lietz & Klinger LLP is SUBSTITUTED for the firm of Kozonis & Klinger, Ltd., as one of four firms serving as Class Counsel. See Order at 6, ¶ 3 (docket no. 142); see also Notice of Change of Law Firm (docket no. 145).

(c) The following class notice plan is APPROVED. Defendant A Place for Mom, Inc. shall provide the Settlement Administrator with two lists, one containing approximately 56,000 names, phone numbers, and email addresses (Group 1), and one containing approximately 3.1 million names, phone numbers, and email addresses (Group 2). For Group 1, the Settlement Administrator shall send via U.S. mail to each non-duplicative postal address it derives a postcard notice in the form attached as Exhibit A to the Supplemental Declaration of Carla A. Peak, docket no. 150 at 7-8.<sup>1</sup> For Group 2, and for any names in Group 1 for which postal addresses could not be identified, the Settlement Administrator shall send via email a notice in the form attached as Exhibit B to the Supplemental Declaration of Carla A. Peak, docket no. 150 at 10-11.<sup>2</sup> The Settlement Administrator shall also place notices in the form attached as Exhibit C to the Supplemental Declaration of Carla A. Peak, docket no. 150 at 13, in the publications and for the time periods set forth in Paragraphs 16 and 17 of the Supplemental Declaration of Carla A. Peak, docket no. 150 at 3-4. The Settlement Administrator shall maintain a dedicated website from which a notice in the form attached as Exhibit D to the Supplemental Declaration of Carla A. Peak, docket no. 150 at 15-20, as amended by the Court, as reflected in the red-lined version attached to this Minute Order (the “long-form notice”), may be downloaded. The website shall also make available a claim form, an optional payment selection form, and an updated mailing address form in the forms attached respectively as Exhibits E, F, and G to the Supplemental Declaration of Carla A. Peak, docket no. 150 at 22, 24, and 26, as amended by the Court, as reflected in the red-lined versions attached to this Minute Order. In addition, the website shall contain an opt-out or exclusion form, see Ex. F to Pla.’s Mot. (docket no. 146-6), which may be downloaded and then mailed or submitted online to the Settlement Administrator.

(d) The Court CONCLUDES, for purposes of Federal Rule of Civil Procedure 23(b)(3), that the interests of absent class members who wish to litigate their claims for damages individually are adequately protected by the notice and opt-out provisions of the above-summarized class notice plan. The Court further CONCLUDES that the forms of notice to class members, which are referenced in Paragraph 1(c), above, meet the requirements of Rule 23, and that the methods of transmitting such notices to class members, along with the maintenance of a dedicated website concerning the proposed class action settlement, are the best

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<sup>1</sup> Exhibit A contains one typographical error. In the second sentence after the heading “Who Is Included,” the number “(ii)” is missing before the phrase beginning “Potential Class Members.”

<sup>2</sup> Exhibit B contains the same typographical error as Exhibit A.

1 notice practicable under the circumstances and comport with both Rule 23 and the  
2 Due Process Clause of the United States Constitution.

3 (e) The Amended Settlement Agreement and Release executed by  
4 plaintiff Kevin Pine and defendant A Place for Mom, Inc., docket no. 139-1, is  
5 PRELIMINARILY APPROVED, with modifications to the class notice plan,  
6 which is outlined in Paragraph 1(c), above. The proposed class action settlement  
7 is not obviously deficient and no evidence exists at this stage of the proceedings of  
any fraud, collusion, overreaching, or disregard of the rights of absent class  
members on the part of any party. Sufficient discovery was conducted in this case,  
and Class Counsel has adequate experience in similar litigation to recommend this  
settlement. The Court's preliminary approval is subject to change pending the  
outcome of a final settlement approval hearing.

8 (f) **A final settlement approval hearing is SCHEDULED for**  
9 **Thursday, October 1, 2020, at 10:00 a.m., in Courtroom 15206 on the 15th**  
**Floor of the United States Courthouse, located at 700 Stewart Street in**  
**Seattle, Washington.** If the final settlement approval hearing needs to be  
10 rescheduled or if it must be conducted remotely via telephone or videoconference,  
counsel will be advised and notice will be posted in advance at  
11 www.wawd.uscourts.gov/APlaceForMom.

12 (g) The Settlement Administrator shall establish a website for this  
matter in time to include the address in the notices to be sent to class members.  
The Settlement Administrator shall maintain this website until further order of the  
Court. Such website shall allow anyone visiting it to view and download copies of  
13 (i) the operative pleadings and relevant motions, including any motion for  
attorney's fees and costs and any motion for final approval of the proposed class  
action settlement, (ii) the Amended Settlement Agreement and Release, (iii) the  
Orders and substantive Minutes Orders of the Court, including this Minute Order  
14 and docket nos. 107, 123, 142, 144, and 148, (iv) the notice of compliance with  
28 U.S.C. § 1715 and related declaration, docket nos. 140 and 141, and (v) the  
long-form notice and forms described in Paragraph 1(c), above. The Settlement  
Administrator shall capture screen shots of the website on the date that notices are  
distributed and bi-weekly thereafter until the date of the final settlement approval  
15 hearing, and shall submit such screen shots along with any declaration filed in  
support of final approval of the proposed class action settlement.

16 (h) Plaintiff's motion for attorney's fees and costs shall be filed on or  
before **June 11, 2020**, and noted for September 25, 2020. Any response to such  
motion by a class member who is represented by counsel must be filed with the  
Court by **September 21, 2020**. Any response to such motion by a class member  
21 who is not represented by counsel must be submitted to Class Counsel and  
22 postmarked by **September 14, 2020**. Class Counsel shall collate and file as an  
23

1 attachment to any reply, all responses from class members who are not represented  
2 by counsel. Any reply shall be filed by the noting date, but no reply need be filed  
if no response is filed with the Court or received by Class Counsel.

3 (i) Notices to class members shall be sent via U.S. mail (Group 1)  
and/or email (Group 1, if addresses are not available, and Group 2) **on or after**  
4 **June 12, 2020, and no later than June 19, 2020.** Publication notice shall be  
completed by **July 31, 2020.**

5 (j) The deadline for opting-out of the class (*i.e.*, submitting an exclusion  
6 form) or submitting a written objection to the proposed class action settlement is  
7 **August 20, 2020.** Any class member timely requesting to be excluded from the  
proposed class action settlement will not be bound by the terms of the Amended  
8 Settlement Agreement and Release and will not receive any benefits from the  
settlement. The deadline for submitting a claim form, an optional payment  
selection form, and/or an updated mailing address form is **September 15, 2020.**  
9 All such forms and objections shall be submitted to the Settlement Administrator,  
not to the Court.

10 (k) Any motion for final approval of the proposed class action  
11 settlement shall be filed by **September 21, 2020**, and noted for October 1, 2020.  
Such motion shall be accompanied by an appropriate declaration of the Settlement  
12 Administrator, summarizing the rates and natures of class members' responses,  
and providing copies of all exclusion forms and written objections, redacted as  
necessary to comply with Local Civil Rule 5.2. Such materials shall not be filed  
13 in piecemeal fashion or in advance of any motion for final approval of the  
proposed class action settlement.

14 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of  
record.

16 Dated this 27th day of May, 2020.

17 William M. McCool \_\_\_\_\_  
18 Clerk

19 s/Karen Dews \_\_\_\_\_  
20 Deputy Clerk

## **Exhibit D**

# If you received a non-emergency call from A Place for Mom to a cellular telephone without your consent, you may be eligible to receive a payment from a class action settlement.

<b>IF YOU ARE A MEMBER OF GROUP 1. THESE ARE YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>Get a Cash Payment via check or electronic payment</b>	If you received <u>this-a</u> notice by U.S. mail and your notice indicates you are a member of Group 1, you do not need to take any action to receive a pro rata share of the settlement funds. If you received <u>this-a</u> notice by email and your notice indicates you are a member of Group 1, in order to receive payment you need to provide an updated mailing address at this link: [WEBSITE] by DATE. If the Settlement is approved by the Court, you will receive a check by U.S. mail and be bound by the terms of the Settlement. If you prefer payment via electronic payment or would like to donate your settlement payment to charity, you must submit a Payment Selection Form and a valid email address online at this link [WEBSITE] by DATE. The Parties have selected the Fisher Center for Alzheimer's Research Foundation, an organization whose mission is to understand the causes of Alzheimer's disease, improve the care of people living with it, and find a cure, as the charity to receive donations.
<b>Exclude Yourself OR "Opt Out" of the Settlement</b>	You are not required to participate in the Settlement. If you do not want to be legally bound by the Settlement, you must complete an Exclusion Form by <b>DATE</b> . If you do not exclude yourself, you will release claims against APFM.
<b>Object</b>	You may object to the Settlement by sending a letter to the Settlement Administrator by <b>DATE</b> or by appearing in person, or through an attorney hired by you, at the Final Approval Hearing on <b>DATE</b> .
<b>Go to the Final Approval Hearing</b>	At the Final Approval Hearing on <b>DATE</b> , the Court will consider whether to approve the Settlement, a request for attorneys' fees of \$1,500,000, costs of \$75,000, and a service payment of \$12,500 to the named plaintiffs. If you wish, you can attend the Final Approval Hearing in person or through an attorney hired by you. <u>Before attending the Final Approval Hearing, check on its status at <a href="http://www.wawd.uscourts.gov/APlaceForMom">www.wawd.uscourts.gov/APlaceForMom</a>.</u>

- These rights and options - **and the deadlines to exercise them** - are explained in this notice.
- The Court in charge of this case still has to decide whether to approve the Settlement. Payments and elected donations to Fisher Center for Alzheimer's Research Foundation charity, if any, will be made if the Court approves the Settlement. Please be patient.

<b>IF YOU ARE A MEMBER OF GROUP 2. THESE ARE YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>Get a Cash Payment via check or electronic payment</b>	If you received <u>this-a</u> notice via email and your notice indicates you are a member of Group 2, you must submit a completed Claim Form at this link [WEBSITE] by DATE to receive a pro rata share of the settlement funds. If you prefer payment via electronic payment or would like to donate your settlement payment to Fisher Center for Alzheimer's Research Foundation charity, you must also submit a Payment Selection Form and a valid email address online at this link [WEBSITE] by DATE. If you do nothing in response, you will be bound by the terms of the Settlement if it is approved by the Court, and you will not receive any monetary benefit from the Settlement.
<b>Do Nothing</b>	If you do nothing in response, you will be bound by the terms of the Settlement if it is finally approved by the Court, and you will not receive any monetary benefit from the Settlement.
<b>Exclude Yourself OR "Opt Out" of the Settlement</b>	You are not required to participate in the Settlement. If you do not want to be legally bound by the Settlement, you must complete an Exclusion Form by <b>DATE</b> . If you do not exclude yourself, you will release claims against APFM.
<b>Object</b>	You may object to the Settlement by sending a letter to the Settlement Administrator by <b>DATE</b> or by appearing in person, or through an attorney hired by you, at the Final Approval Hearing on <b>DATE</b> .
<b>Go to the Final Approval Hearing</b>	At the Final Approval Hearing on <b>DATE</b> , the Court will consider whether to approve the Settlement, a request for attorneys' fees of \$1,500,000, costs of \$75,000, and a service payment of \$12,500 to the named plaintiffs. If you wish, you can attend the Final Approval Hearing in person or through an attorney hired by you. <u>Before attending the Final Approval Hearing, check on its status at <a href="http://www.wawd.uscourts.gov/APlaceForMom">www.wawd.uscourts.gov/APlaceForMom</a>.</u>

- These rights and options - **and the deadlines to exercise them** - are explained in this notice.

- The Court in charge of this case still has to decide whether to approve the Settlement. Payments will be made if the Court approves the Settlement. Please be patient.

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## BASIC INFORMATION

### 1. Why is there a notice?

This Notice is being sent has been made available because you have a right to know about a proposed Settlement of this class action lawsuit, and about your options, before the Court decides whether to approve the Settlement. If the Court approves the Settlement, an administrator appointed by the Court will make the payments that the Settlement allows. Because your rights will be affected by this Settlement, it is extremely important that you read this Notice carefully.

If you received this-a shorter version of this Notice via U.S. mail or email, it is because, according to APFM's records, you may might have received a non-emergency call from APFM to a cellular telephone between August 7, 2013 and August 15, 2019. The Court in charge of the case is the United District Court for the Western District of Washington, and the case is known as *Pine v. A Place for Mom, Inc.*, United States District Court, Western District of Washington, Case No. 2:17-cv-01826-TSZ, before Judge Thomas S. Zilly. The person who sued on behalf of the class is called the Plaintiff, and the company he sued, A Place for Mom, Inc. ("APFM"), is called the Defendant.

### 2. What is this class action lawsuit about?

A class action is a lawsuit in which the claims and rights of many people are decided in a single court proceeding. One or more representative plaintiffs, also known as "class representatives," assert claims on behalf of the entire class.

The Representative Plaintiff filed this case against Defendant alleging that APFM violated the Telephone Consumer Protection Act ("TCPA") by calling cell phones without the prior express written consent of the recipients.

APFM denies that it did anything wrong, or that this case is appropriate for treatment as a class action.

### 3. Why is there a Settlement?

The Court did not decide in favor of the Plaintiff or Defendant. Both sides agreed to a settlement instead of going to

trial. That way, they avoid the cost and uncertainty of a trial, and the people alleged to be affected will get compensation. The Representative Plaintiff and his attorneys think the Settlement is best for all Class Members.

## WHO IS IN THE SETTLEMENT

### **4. How do I know if I am part of the Settlement?**

The Settlement applies to Class Members, who are described as all persons within the United States who, between August 7, 2013, and August 15, 2019, received, without their consent, a non-emergency call from defendant A Place for Mom, Inc., or any party acting on defendant's behalf, to a cellular telephone. There are two groups of Class Members: (i) Class Members who the parties agree could be identified from APFM's records ("Group 1"); and (ii) Potential Class Members who could not be identified from APFM's records ("Group 2").

If you have questions about whether you are a Class Member, or are still not sure whether you are included, you can call PHONE or visit WEBSITE for more information.

### **5. Why Did I Receive Mail Notice or Email Notice?**

APFM obtained approximately 56,000 Class Members' contact information through the website "locate.aplaceformom.com" and variations of that website. The Parties agree that such persons are Class Members of Group 1. Class Members of Group 1 will receive Mail Notice if a postal address is available or email notice if a postal address is unavailable.

APFM also obtained approximately 3 million people's contact information from other sources, including through incoming telephone calls and other websites. The Parties agree that such persons are Potential Class Members of Group 2. Because APFM's records do not establish whether such persons are Class Members, they received Email Notice and must submit a valid and timely Claim Form to receive a Settlement Award.

## THE SETTLEMENT BENEFITS - WHAT YOU GET

### **6. What does the Settlement provide?**

APFM has agreed to pay a total settlement amount of \$6,000,000 which will be used to create a Settlement Fund to pay cash Settlement Awards to Class Members or allow Class Members to make a donation if they elect to do so, Plaintiff's attorney fees and costs, any service award to the Representative Plaintiff, and expenses of settlement administration. Plaintiff's counsel estimate that the Settlement Award to each Class Member who submits a valid and timely Claim Form will be in the range of \$34.00.

If any money remains in the Settlement Fund after making the payments, the balance will be awarded to the Electronic Frontier Foundation in the form of a *cy pres* distribution. The Electronic Frontier Foundation is a non-profit organization whose mission, in part, is to protect consumers from invasions of privacy resulting from the use of technology, including cellular telephones. Plaintiff, Defendant, and their attorneys do not have any relationship to the Electronic Frontier Foundation.

### **7. Why Does Plaintiff's Counsel Estimate Payment in the Range of \$34.00 for Each Class Member?**

The amount of the final cash payment will depend on the total number of Group 1 Class Members who can be located and total number of Group 2 Potential Class Members who submit valid and timely claims. Approximately 56,000 Class Members who received Mailed Notice will receive payment automatically. The minimum payment for all Class Members if every person who received Email Notice submits a valid and timely Claim Form is estimated to be \$1.29. The maximum payment if no one in Group 2 submits a valid and timely Claim Form is estimated to be \$71.47. Plaintiff's counsel estimate that approximately 2% (or 60,000) persons who received Email Notice will submit timely and valid Claim Forms establishing they are Class Members. In that event, all Class Members will receive payment in the range of \$34.00.

## HOW YOU GET A PAYMENT OR ELECT TO MAKE A DONATION

### **8. If I am a Class Member of Group 1, how and when can I get a payment or make a donation?**

If you received this-a notice by U.S. mail and your notice indicates you are a member of Group 1, you do not need to take any action to receive a Settlement Award and be bound by the terms of the Settlement.

If you received this-a notice by email and your notice indicates you are a member of Group 1, in order to receive a Settlement Award you need to provide an updated mailing address at this link: [WEBSITE] by DATE. If you do not provide an updated mailing address to receive payment, you will still be bound by the terms of the settlement.

In either case, if you prefer payment via electronic payment or would like to donate your Settlement Award to Fisher Center for Alzheimer's Research Foundation charity, you must submit a Payment Selection Form and a valid email address online at this link [WEBSITE] by DATE.

A Settlement Award is a cash payment that will be issued by check or electronic payment. Plaintiff's counsel estimate

that the Settlement Award to each Class Member will be in the range of \$34.00. The final cash payment amount will depend on the total number of Group 1 Class Members who can be located and total number of Group 2 Potential Class Members who submit valid and timely claims.

Payment Selection Forms must be submitted by no later than DATE electronically at [WEBSITE].  
The Court will hold a hearing on \_\_\_\_\_, \_\_\_ to decide whether to approve the Settlement. Please be patient.

#### **9. If I am a Class Member of Group 2, how and when can I get a payment or make a donation?**

If you received this a notice via email and your notice indicates you are a member of Group 2, you must submit a valid and timely Claim Form at this link [WEBSITE] by DATE to receive a Settlement Award. If you prefer payment via electronic payment or would like to donate your Settlement Award to Fisher Center for Alzheimer's Research Foundation charity, you must also submit a Payment Selection Form and a valid email address online at this link [WEBSITE] by DATE. If you do nothing in response, you will be bound by the terms of the Settlement if it is approved by the Court, and you will not receive any monetary benefit from the Settlement.

A Settlement Award is a cash payment that will be issued by check or electronic payment. Plaintiff's counsel estimate that the Settlement Award to each Class Member will be in the range of \$34.00. The final cash payment amount will depend on the total number of Group 1 Class Members who can be located and total number of Group 2 Potential Class Members who submit valid and timely claims.

Claim Forms and Payment Selection Forms must be submitted by no later than DATE electronically at [WEBSITE]. The Court will hold a hearing on \_\_\_\_\_, \_\_\_ to decide whether to approve the Settlement. Please be patient.

#### **10. What if I am a Class Member and did not receive a notice via U.S. mail or email?**

If you did not receive a notice via U.S. mail or email and you believe you are a Class Member, you must submit a valid and timely Claim Form at this link [WEBSITE] by DATE to receive a Settlement Award. If you prefer payment via electronic payment or would like to donate your Settlement Award to Fisher Center for Alzheimer's Research Foundation charity, you must also submit a Payment Selection Form and a valid email address online at this link [WEBSITE] by DATE. If you do nothing, you will be bound by the terms of the Settlement if it is approved by the Court, and you will not receive any monetary benefit from the Settlement.

A Settlement Award is a cash payment that will be issued by check or electronic payment. Plaintiff's counsel estimate that the Settlement Award to each Class Member will be in the range of \$34.00. The final cash payment amount will depend on the total number of Group 1 Class Members who can be located and total number of Group 2 Potential Class Members who submit valid and timely claims.

Claim Forms and Payment Selection Forms must be submitted by no later than DATE electronically at [WEBSITE]. The Court will hold a hearing on \_\_\_\_\_, \_\_\_ to decide whether to approve the Settlement. Please be patient.

Claim Forms and Payment Selection Forms must be submitted by no later than DATE electronically at [WEBSITE]. The Court will hold a hearing on \_\_\_\_\_, \_\_\_ to decide whether to approve the Settlement. Please be patient.

#### **10.11. What am I giving up to stay in the Class?**

If you are a Class Member, unless you exclude yourself, that means that you will release claims against A Place for Mom and can't sue, continue to sue, or be part of any other lawsuit against A Place for Mom for such released claims and all of the decisions and judgments by the Court will bind you.

For non-emergency telemarketing calls made to a cellular phone number using an automatic telephone dialing system, without the prior express written consent of the called party, the TCPA provides for damages of \$500 per call, or \$1,500 for willful violations. However, APFM has denied that it made any illegal calls to anyone because it calls people who provide their telephone number in connection with a request for information about senior living, and in any future lawsuit A Place for Mom will have a full range of potential defenses, including that it had the required consent to make calls and that such calls were not telemarketing calls and were not made using an automatic telephone dialing system, among other things. In addition, please note that the TCPA does not provide for attorneys' fees to prevailing individual plaintiffs.

If you file a Claim Form for benefits or do nothing at all, you will release A Place for Mom from liability.

Remaining in the Class means that yYou, meaning you and as well as your respective assigns, heirs, executors, administrators, successors and agents, hereby release, resolve, relinquish and discharge each and all of the Released Parties from each of the Released Claims (as defined below). You further agree that theyYou will not institute any action or cause of action (in law, in equity, or administratively), suits, debts, liens, or claims, known or unknown, fixed or contingent, which yYou may have or claim to have, in state or federal court, in arbitration, or with any state, federal or local government agency, or with any administrative or advisory body, arising from the Released Claims.

"Released Claims" means any and all claims, causes of action, suits, obligations, debts, demands, agreements, promises, liabilities, damages, losses, controversies, costs, expenses, and attorneys' fees of any nature whatsoever, whether based

on any federal law, state law, common law, territorial law, foreign law, contract, rule, regulation, any regulatory promulgation (including, but not limited to, any opinion or declaratory ruling), common law or equity, whether known or unknown, suspected or unsuspected, asserted or unasserted, foreseen or unforeseen, actual or contingent, liquidated or unliquidated, punitive or compensatory, as of the date of the Final Approval Order, including those that (1) arise out of any alleged violation of the TCPA by the Released Parties including in contacting or attempting to contact Settlement Class Members via non-emergency Calls to cellular telephones, to the fullest extent those terms are used, defined or interpreted by the TCPA and relevant regulatory or administrative promulgations and case law, or (2) arise from the administration of this Settlement, including all claims arising from or related to any alleged data breaches, failures to comply with state and federal privacy laws, failures to confirm the proper identity of class members and any other

**Questions? Call PHONE or visit WEBSITE**  
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alleged violations of state and federal laws that govern the collection and storage of consumer financial information and the electronic distribution of funds. In other words, Released Claims include TCPA claims and any claims that arise out the calls that Plaintiff alleges violated the TCPA. This includes, for example any alleged violations of state telemarketing laws.

“Released Parties” means Defendant and its past, present, and future directors, officers, managers, employees, contractors, shareholders, parent companies, general partners, limited partners, principals, subsidiaries, insurers, reinsurers, shareholders, attorneys, advisors, representatives, predecessors, successors, divisions, joint ventures, assigns, or related entities, and each of their respective executors, successors, assigns and legal representatives; TELUS International (U.S.) Corporation; TPUSA-FHCS, Inc. fka Aegis USA, Inc.; Working Solutions, LLC; Tree Rings, LLC (and other entities and individuals at those entities placing calls on Defendant’s behalf); and Defendant’s senior housing partners, including independent living, assisted living and memory care facilities, senior day care and home care providers, senior apartment facilities, skilled nursing facilities and residential care homes that made calls to Settlement Class Members using telephone numbers provided by Defendant.

The Settlement Agreement (available at the website) provides more detail regarding the release and describes the Released Claims with specific descriptions in necessary, accurate legal terminology, so read it carefully. You can talk to the law firms ~~representing the Class~~ listed in Question 12-13 for free or you can, at your own expense, talk to your own lawyer if you have any questions about the Released Parties or the Released Claims or what they mean.

Class Members are not precluded from addressing, contacting, dealing with, or complying with requests or inquiries from any governmental authorities relating to the issues raised in this class action settlement.

The release does not apply to Class Members who timely opt-out of the Settlement.

## **EXCLUDING YOURSELF FROM THE SETTLEMENT**

If you don't want to participate in this Settlement, then you must take the steps below to exclude yourself from the Settlement.

### **1112. How do I exclude myself from the Settlement?**

To exclude yourself from the Settlement, you must submit an Exclusion Form electronically at WEBSITE or mail your Exclusion Form **postmarked no later than DATE**, to:

APFM TCPA Settlement Administrator  
ADDRESS

If you ask to be excluded, you will not get any Settlement Award, and you cannot object to the Settlement. You will not be legally bound by anything that happens in this lawsuit.

## **THE LAWYERS REPRESENTING YOU**

### **1213. Do I have a lawyer in this case?**

The Court appointed the following law firms to represent you and other Class Members: Lieff Cabraser Heimann & Bernstein, LLP, Mason Lietz & Klinger LLP, Hussin Law Firm, and Frank Freed Subit & Thomas LLP.

These lawyers are called Class Counsel. Class counsel have applied for payment from the Settlement Fund of \$1,500,000 in legal fees and costs of \$75,000 to compensate them for work on behalf of Class Members. Regardless of whether the Court grants Class Counsel's request, no Class Member will be charged individually for Class Counsel's services. If you want to be represented by your own lawyer, you may hire one at your own expense.

Class Counsel may be contacted at the following addresses and numbers:

Daniel Hutchinson, Lieff Cabraser Heimann & Bernstein, LLP [ADDRESS] [NUMBER]

Gary Klinger, Mason Lietz & Klinger LLP [ADDRESS] [NUMBER]

Tammy Hussin, Hussin Law Firm [ADDRESS] [NUMBER]

Michael Subit, Frank Freed Subit & Thomas LLP [ADDRESS] [NUMBER]

### **1314. How will the lawyers and class representative be paid?**

Class Counsel has submitted a motion asking the Court to approve payment of \$1,500,000 (25% of the Settlement Fund) and costs of \$75,000 to compensate them for expenses and for attorneys' fees for investigating the facts, litigating the case, and negotiating the Settlement. Class Counsel will also request an award of one service payment of \$10,000 to the Class Representative and \$2,500 to the former plaintiff, in compensation for their time and effort. The Court may award less than these amounts. These payments, along with the costs of administering the Settlement, will be made out of the Settlement Fund. **A copy of Class Counsel's application for attorneys' fees and costs is available on the Settlement Website.**

You may object to Class Counsel's application for attorneys' fees and costs by sending a letter to the Settlement Administrator by **DATE** or by appearing in person, or through an attorney hired by you, at the Final Approval Hearing on **DATE**.

## **OBJECTING TO THE SETTLEMENT**

You can tell the Court that you do not agree with the Settlement or some part of it.

**Questions? Call PHONE or visit WEBSITE**

**1415. How do I tell the Court if I do not think the Settlement is fair?**

You can tell the Court that you don't agree with the Settlement or some part of it. If you are a Class Member, you can object to the Settlement if you do not think the Settlement is fair. You can state reasons why you think the Court should not approve it. The Court will consider your views. To object, you may send a letter to the Settlement Administrator by **DATE**, appear in person at the Final Approval Hearing on **DATE**, or appear through an attorney hired by you, at the Final Approval Hearing on **DATE**. You do not need to seek permission in advance or communicate to the Settlement Administrator to speak at the Final Approval Hearing.

If you prefer to send a letter, your objection must be mailed by **DATE** to:

APFM TCPA Settlement Administrator  
ADDRESS

**THE FINAL APPROVAL HEARING****1516. When and where will the Court decide whether to approve the Settlement?**

The Court will hold a hearing to decide whether to approve the Settlement. This Final Approval Hearing will be held at \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_, at the United States District Court for the Western District of Washington, 700 Stewart Street, Courtroom 15206, Seattle, WA 98101-9906. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate, and whether to award attorneys' fees, expenses, and service awards as described above, and in what amounts. If there are objections, the Court will consider them. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long it will take the Court to issue its decision. It is not necessary for you to appear at this hearing, but you may attend in person at your own expense or through an attorney hired by you.

In light of the outbreak of Coronavirus Disease 2019, the Court cannot be certain that a final approval hearing can be conducted on the date or in the manner anticipated at the time it is scheduled. To obtain up-to-date information about the status of the final approval hearing, please visit [www.wawd.uscourts.gov](http://www.wawd.uscourts.gov) or [www.wawd.uscourts.gov/APlaceForMom](http://www.wawd.uscourts.gov/APlaceForMom). You should NOT contact the Court about this matter or the status of the final approval hearing and should instead direct all correspondence to the Settlement Administrator or class counsel.

**1617. May I speak at the hearing?**

You may speak at the Final Approval Hearing in person or through an attorney hired by you. You cannot speak at the hearing if you excluded yourself from the Class.

**IF YOU DO NOTHING****1718. What happens if I do nothing at all?**

If you received this-a notice by U.S. mail and your notice indicates you are a member of Group 1, and you do nothing in response, you will be bound by the terms of the Settlement if it is finally approved by the Court, and you will receive a pro rata share of any proceeds of the Settlement automatically.

If you received this-a notice by email and your notice indicates you are a member of Group 1, and you do nothing in response, you will be bound by the terms of the Settlement if it is finally approved by the Court, and will not receive a pro rata share of any proceeds of the Settlement automatically. In order to receive a settlement payment, you must provide an updated mailing address at this link [WEBSITE] by DATE.

If you received this-a notice via email and your notice indicates you are a member of Group 2, and you do nothing in response, you will be bound by the terms of the Settlement if it is finally approved by the Court, and you will not receive any monetary benefit from the Settlement. To receive a pro rata share of any proceeds of the Settlement, you must complete and timely submit a Claim Form to the Settlement Administrator on or before [date].

If you believe you are a Class Member, but you did not receive a notice via U.S. mail or email, and you do nothing, you will be bound by the terms of the Settlement if it is finally approved by the Court, and you will not receive any monetary benefit from the Settlement. To receive a pro rata share of any proceeds of the Settlement, you must complete and timely submit a valid Claim Form to the Settlement Administrator on or before [DATE].

**GETTING MORE INFORMATION****1819. How do I get more information?**

This Notice summarizes the proposed Settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement by calling the Claims Settlement Administrator toll-free at NUMBER, writing to: APFM TCPA Settlement Administrator, ADDRESS; or visiting the website at WEBSITE, where you will find answers to common questions about the Settlement, a Claim Form, plus\_and other information to help you determine whether you are a Class Member, and whether you are eligible to choose a payment method, or make a donation at your election.

## **Exhibit E**

**Claim Form**

If you received this-a notice via email and are in Group 2, you must submit a completed claim form by **DATE** to receive a pro rata share of the settlement funds. If you do nothing in response, you will be bound by the terms of the Settlement if it is approved by the Court, and you will not receive any monetary benefit from the Settlement. A Settlement Award is a cash payment that will be issued by check (or by electronic payment, if you complete a payment section form and designate an alternative payment method or donated if you choose to donate). Plaintiff's counsel estimate that the Settlement Award to each Class Member who submits a valid and timely claim form will be in the range of \$34.00. The final cash payment amount will depend on the total number of Group 1 Class Members who can be located and total number of Group 2 Potential Class Members who submit valid and timely claims.

Your claim form must be completed online at WEBSITE or postmarked by **DATE** for your claim to be accepted.

**(1) Contact Information**

<b>Name</b>	First Name  [REDACTED]	Middle Name  [REDACTED]
	Last Name  [REDACTED]	Suffix  [REDACTED]
<b>Mailing Address</b>	Street/P.O. Box  [REDACTED]	Unit/Apt. Number  [REDACTED]
	City/Town  [REDACTED]	State [REDACTED] Zip Code [REDACTED] - [REDACTED]

**(2) Cellular Phone Number(s)**

Cellular Telephone Number 1  
[REDACTED]  
Cellular Telephone Number 2  
[REDACTED]  
Cellular Telephone Number 3  
[REDACTED]

[REDACTED]	-	[REDACTED]	-	[REDACTED]
[REDACTED]	-	[REDACTED]	-	[REDACTED]
[REDACTED]	-	[REDACTED]	-	[REDACTED]

**(3) Eligibility Confirmation**

I certify that between August 7, 2013 and August 15, 2019, the Cellular Phone Number(s) listed above received nonemergency call(s) from or on behalf of A Place for Mom, which I did not consent to receive.

Claim forms must be mailed and postmarked to the following address by \_\_\_\_\_.

*A Place for Mom TCPA Settlement **Claims** Administrator*  
**ADDRESS**

## **Exhibit F**



## **Optional Payment Selection Form**

**Complete this form only if you want to receive an electronic cash payment or would like to donate your settlement payment to charity.** If you want to receive a cash payment via check, do not complete this form. Your payment selection form must be completed online at WEBSITE by DATE to be accepted.

**IMPORTANT:** If you received a notice via email and are in Group 1, you must submit an updated mailing address form if you want to receive a cash payment; however, you do not need to submit an updated mailing address form if you complete this optional payment selection form and elect to receive an electronic cash payment or donate your settlement payment to charity. This is not an updated mailing address form. Please visit WEBSITE to access and submit an updated mailing address form. If you received this notice via email and are in Group 2, you must submit a completed claim form by DATE to receive a pro rata share of the settlement funds. This is not a claim form. If you cannot find your claim form, please visit WEBSITE to access and submit a claim form.

## Payment Selection

I elect to receive (choose only **one**):

- A cash payment sent via an electronic payment to my email at:

Email	
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- A cash donation to the Fisher Center for Alzheimer's Research Foundation, a non-profit charity.

**If you do not provide a valid email address, you will receive payment via check at the postal address at which you received notice or the postal address you provided.**

## **Exhibit G**



## **Updated Mailing Address Form**

**(For Group 1 Class Members Who Received Notice via Email Only)**

## **(1) Contact Information**

<b>Name</b>	First Name  [12 boxes]	Middle Name  [12 boxes]
	Last Name  [20 boxes]	Suffix  [5 boxes]
<b>Mailing Address</b>	Street/P.O. Box  [20 boxes]	Unit/Apt. Number  [5 boxes]
	City/Town  [20 boxes]	State  [2 boxes]

